



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(04-105-A (400.149))

In-re the Application of:

James McSwiggen

Serial No: 10/824,036

Filed: April 14, 2004

For: RNA Interference Mediated Treatment  
of Polyglutamine (POLYQ) Repeat Expansion  
Diseases Using Short Interfering Nucleic Acid  
(siNA)

Group Art Unit: 1645

Examiner: TBA

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir/Madam:

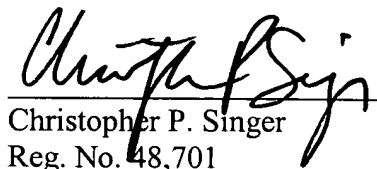
The undersigned representative hereby declares that the content of the substitute electronic copies of the Sequence Listing, submitted in the above-identified application in compliance with 37 C.F.R. § 1.52(e) on Compact Disc-Recordable (CD-R) medium in duplicate (COPY 1 and COPY 2), in lieu of the paper copy under 37 C.F.R. § 1.821(c), and substitute computer readable form copy of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. §§ 1.825(b) and 1.821(e), are identical in content. The substitute sequence listing, submitted herewith, does not extend beyond the scope of the specification, and thus, does not contain new matter. The CD-R labeled "Substitute CRF of Sequence Listing submitted under 37 C.F.R. §§ 1.825(b) and 1.821(e)" contains an IBM compatible dos-text file of the sequence listing named "04-105.A\_400.149.SeqLisitng".

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: October 12, 2004

By:

  
Christopher P. Singer  
Reg. No. 48,701

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 SOUTH WACKER DRIVE, 32ND FLOOR  
CHICAGO, ILLINOIS 60606  
PHONE: 312-913-0001  
FAX: 312-913-0002